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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fourth and fifth periodic reports of States parties

Burkina Faso*

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* The present report is being issued without formal editing. For the initial report submitted by the Government of Burkina Faso, see CEDAW/C/5/Add.67, considered by the Committee at its tenth session. For the combined second and third periodic reports submitted by the Government of Burkina Faso, see CEDAW/C/BFA/2-3, considered by the Committee at its twenty-second session.

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Acronyms

ADP	Assembly of People's Deputies
AFEB	Burkina Faso Association of Elected Women
AMBF	Burkina Faso Municipalities Association
AN	National Assembly
APE/PTA	Parent's Teacher's Association
CARFO	Civil Servants' Pension Fund
CEDEF	Convention on the Elimination of All Forms of Discrimination against Women
CEBNF	Basic non-formal education centre
CEPE	Primary school leaving certificate
CES	Economic and Social Council
CFJA	Young farmers' training centre
CSLP	Strategic Framework for Poverty Alleviation
CND	National Decentralization Committee
CNPF	National Committee for the Advancement of Women
CNSS	National Social Security Fund
COAFEB	Coordination of NGOs and Associations of Burkina Faso
CONALDIS	National Committee to Combat Discrimination
CP	Penal Code
CPAF	Permanent Literacy and Training Centre
CPF	Individual and Family Code
CSI	Supreme Council for Information
CT	Labour Code
DAJHF	Office of Legal Affairs and the empowerment of women
DCAF	Office for the Coordination of Actions in favour of women
DCPPF	Office of Communication and Advocacy for the Advancement of Women
DS	Demographic Survey
GPC	General Population Census
EDSBF/DHS	Burkina Faso Demographic and Health Survey
EP/PS	Priority Survey
FAARF	Support Fund for Women's Gainful Activities

FAAGRA	Support Fund for Women Farmers' Income-Generating Activities
IUTS	Standard income tax
MA	Ministry of Agriculture
MASSN	Ministry of Social Services and National Solidarity
MEBA	Ministry of Basic Education and Mass Literacy
MEG	Essential generic drugs
MESSRS	Ministry of Secondary and Higher Education and Scientific Research
MJS	Ministry of Youth and Sports
MPF	Ministry for the Advancement of Women
MRA	Ministry of Animal Resources
MS	Ministry of Health
ONG	Non-governmental organization
PASEI	Comprehensive epidemiological surveillance support project
PDDEB	Ten-year basic education development plan
UNDP	United Nations Development Programme
RAF	Agrarian and land reform
RECIF/NGO	Information Communication and training network for women in NGOs in Burkina Faso
RGPH/GPHC	General Population and Housing Census
SP-Pan/Enfance	Permanent Secretariat of the National Plan for the Survival, Protection and Development of Children
TMI/CMR	Child mortality rate
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
HIV/AIDS	human immunodeficiency virus/acquired immunodeficiency syndrome

Introduction

The present report was initiated by the Burkina Faso authorities with the support of the Burkina Faso office of the United Nations Children's Fund (UNICEF). Its aim is to provide an update on the efforts undertaken to implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since the last combined report, which covered the period 1987-1993. It represents a summary of the fourth and fifth periodic reports of the National Committee to Combat Discrimination (CONALDIS), which is charged with monitoring the implementation of the Convention.

The first legal instrument that guaranteed equality between men and women was the 1789 Declaration of the Rights of Man and of the Citizen. Thereafter, the principle of gender equality was included in most general instruments for the protection of human rights, and in particular the Charter of the United Nations (1945), the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (1966), and the Declaration on the Elimination of Discrimination Against Women (1967). However, even these instruments were not enough to guarantee the protection of women's rights, and women's real situation did not change fundamentally. That is why the United Nations set up the Commission on the Status of Women in 1946 with a mandate to consider the situation of women and to promote their human rights. The Commission's efforts served to highlight all those areas in which women were denied equality with men. Its work lasted for 30 years, culminating on 18 December 1979 in the creation of a specific legal instrument on women: the Convention on the Elimination of All Forms of Discrimination against Women.

Some 180 States have so far acceded to the Convention. Burkina Faso ratified the Convention on 28 November 1984 and its accession finally became effective in 1987. Through this act, Burkina Faso made a commitment to work to improve women's situation and living conditions. In order to achieve those goals, a number of measures have been taken.

In the institutional and legislative arenas, significant efforts have been made through the establishment of institutions and bodies that focus in particular on the situation of society's most vulnerable groups, especially women and children, and through the enactment of laws. Those measures include:

- The adoption of the Individual and Family Code, CPF (1990);
- The adoption of the Constitution (1991);
- The formulation of the national strategy and plan of action to strengthen the role of women in the development process (1991);
- The establishment of the National Committee to Combat Discrimination, charged with monitoring implementation of the Convention.

With regard to actors at the national level, it should be noted that in addition to the State, there are many non-governmental organizations and associations working in the field to improve the living conditions of the population as a whole, and those of women in particular. The following are among the organizations active in the economic sphere:

- The Support Fund for Women's Gainful Activities (FAARF) established in 1990;
- The Support Fund for Women Farmers' Income-Generating Activities (FAAGRA);
- The "1,000 Girls" project.

In order to assist national institutions charged with implementing the Convention, a number of United Nations agencies, as well as bilateral and multilateral cooperation partners, provide support for actions aimed at advancing women's rights.

The National CEDAW Follow-up Committee ("Follow-up Committee") comprises 36 members, including representatives of the State, the United Nations system (UNICEF), civil society (non-governmental organizations, associations, and traditional and religious authorities). The Committee's organization and functions are defined by a decree of the Ministry for the Advancement of Women, which chairs the Committee. Its mandate is to follow-up on, and evaluate the National Plan of Action and monitor implementation of the Convention. It may be asked to consider any relevant question, and may also take any initiatives and decisions required to ensure implementation of the Convention.

Burkina Faso honoured its commitments under article 18 of the Convention by submitting its initial and combined second and third periodic reports to the Committee on the Elimination of Discrimination against Women. Consideration of the combined second and third reports produced in 1996 was a significant aspect of Burkina Faso's efforts to implement the Convention, and highlighted the following points:

- The existence of a wide range of legal instruments for women's advancement, including the Constitution, Individual and Family Code, Labour Code, Agrarian and Land Reform and the Penal Code;
- The existence of an institutional framework, including the creation of the Ministry for the Advancement of Women and the appointment of focal points within all ministries, responsible for monitoring national policies and programmes on women with a view to mainstreaming the gender perspective in the analysis and evaluation of the results obtained.

The following are among the main obstacles to implementation of the Convention:

- Economic difficulties;
- Discriminatory customary and traditional practices;
- The extremely high illiteracy rate.

The following are among the major concerns raised by the Committee on the Elimination of Discrimination against Women:

- The persistence of sociocultural practices that reinforce stereotypes;
- The absence of laws and policies specifically designed to protect women victims of domestic and sexual violence;
- Women's low level of participation in political life;

- The precarious state of women's health, especially that of rural women;
- Consistently high maternal and infant mortality rates;
- Failure to implement the Agrarian and Land Reform (RAF).

In the light of these concerns, the Committee made the following recommendations:

- Priority should be given to the education of girls and women;
- Efforts should be made to combat illiteracy among girls and women;
- Emphasis should be given to civic education and to instruction in basic human rights;
- Legislative measures should be taken to protect women victims of domestic and sexual violence;
- A quota system should be introduced to increase women's participation in political life.

The combined fourth and fifth periodic reports were prepared on a participatory basis, enabling the Government, partners from the United Nations system, non-governmental organizations, and civil society to engage in a wide-ranging dialogue concerning the progress made in achieving the objectives defined and the various problems encountered during implementation. The Follow-up Committee was mandated to monitor the preparation of the combined report. The task of preparing a draft analysis was given to an independent consultant, who worked together with a resource person in the area of women's and children's human rights. Throughout the process, the Committee made extensive use of the various institutions and of all individuals whose contribution was considered relevant.

The main sources of statistical data for the combined fourth and fifth periodic reports were the following:

- 1991 Demographic Survey;
- 1996 Multiple Indicator Survey;
- 1993 and 1998-99 Demographic Health Surveys (EDSBF);
- 1996 General Population and Housing Census (RGPH);
- 1994 and 1998 Priority Surveys;
- 1999 Survey on Children and Women in Particularly Difficult Circumstances (conducted by the National Secretariat of the National Plan of Action for Children).

The other major sources used in the preparation of the report were the outcomes of the combined second and third reports, the strategic poverty reduction framework document (SPRFD), the analysis of the situation of women and children (1996 and 2000), data from administrative sources, and other related documents. Lastly, interviews held with various resource persons helped highlight the strengths and weaknesses of actions taken at the national level to encourage women's development.

In order to finalize the report, meetings were held between the Follow-up Committee and the consultants to review the draft and ensure that it complied with the basic documents. The final document was adopted at a national validation workshop involving members of the Follow-up Committee, resource persons, associations, and women's non-governmental organizations.

With respect to the dissemination of the results, the report was reviewed by the Council of Ministers, considered at a dissemination seminar, discussed in the press, and subjected to detailed study by several national institutions.

Part I
National context

Burkina Faso has a surface area of 274,200 km^2. It is a landlocked, Sahelian West African country.

1.1 Demographic data

At the time of the most recent General Population and Housing Census, carried out in December 1996, the population of Burkina Faso was 10,312,609, giving an average population density of 38.1 inhabitants per km^2. This confirms Burkina Faso's reputation as one of the most densely populated countries in West Africa. By way of comparison, Niger has only 7.5 inhabitants per km^2, and Mali 9.0. Only Senegal, with 43 inhabitants per km^2, and Côte d'Ivoire, with 46, have a higher population density.

Table 1
Selected demographic indicators

Demographic indicator	*GPHC 1985*	*DS 1991*	*GPHC 1996*	*Forecast 2001**
Total population	7 964 705	9 190 791	10 312 609	11 817 983
% female	51.9	51.1	51.8	52.9
Number of inhabitants per km^2	29.4	33.5	38.1	43.1
Under-15 age group as % of total population	48.3	49.0	47.9	49.1
Males under 15 as % of total male population	50.8	50.7	50.5	52.7
Females under 15 as % of total female population	46.0	47.4	45.5	45.9
15-59 age group as % of total population	45.5	43.8	46.0	45.8
Males aged 15-59 as % of total male population	43.2	41.7	43.5	42.2
Females aged 15-59 as % of total female population	47.6	45.8	48.4	49.1
60+ age group as % of total population	6.2	5.8	5.6	5.1
Males aged 60+ as % of total male population	6.0	6.6	5.6	5.1
Females aged 60+ as % of total female population	6.3	5.0	5.7	5.0
% urban population	11.7	14.1	15.5	18.9
% rural population	88.3	85.9	84.5	81.1
Overall growth rate (%)	2.68	2.64	2.38	

* Estimates made using "Demproj" demographic forecasting software.

It is estimated that in 1960, when the country gained independence, the total population was around 4,349,000. As table 1 shows, the population had risen to around 12 million by 2001, representing a three-fold increase in the space of 41 years. The population as a whole is characterized by the preponderance of women (who have consistently accounted for at least 51 per cent of the overall population), and by the very high proportion of young people (the under-15 age group has consistently made up over 45 per cent of the total). Furthermore, most of the population (over 80 per cent) lives in rural areas.

1.2 Ratification and implementation of the Convention

Burkina Faso ratified the Convention on 8 November 1984, under Decree No. 84-468/CNR/PRES/REC of 28 November 1984. Its accession did not become effective until 14 October 1987. Through that act, Burkina Faso made a commitment to work to improve women's situation and living conditions. A number of measures have been taken in order to achieve these goals. At the institutional level, two ministries were established, one to oversee the country's social affairs in general (Ministry of Social Services and National Solidarity), and another, specifically mandated to promote women (Ministry for the Advancement of Women). Each ministry has set up a number of mechanisms in its respective area of competence, such as plans of action, follow-up committees and a children's parliament, in order to monitor the effective implementation of the conventions signed by Burkina Faso. On the ground, several non-governmental organizations and associations have provided magnificent support for actions to combat discrimination against women. They participate in income-generating activities such as FAARF and FAAGRA, as well as in actions aimed at protecting society's most vulnerable sectors and/or marginalized population groups. This is particularly true in the case of associations such as associations for widows and orphans, disabled persons and persons infected by HIV/AIDS. All such groups are supported in their struggle by partners in the United Nations system, as well as multilateral and bilateral cooperation partners.

1.3 Overall economic situation

With respect to the economic situation, an analysis of trends in leading indicators shows that over recent years, Burkina Faso has performed relatively well at the macroeconomic level, but not well enough to produce a significant change in people's living conditions. The Gross Domestic Product (GDP), at constant prices, was estimated at 1,118. 6 billion CFA francs in 1999, and grew at an average annual rate of 5.0 per cent between 1995 and 1999. As a result, per-capita GDP rose by around 2.6 per cent from 1995 to 1999, compared with 0.6 per cent from 1980 to 1993. The suggested reasons for this growth are the boom in the production of cotton and of meat and dairy products, and strong internal demand, marked by robust growth in the rate of investment, which rose from 18.5 per cent in 1995 to 25.3 per cent in 1999.

However, the year 2000 brought a halt to the growth trend that had been sustained from 1995 to 1999, largely because of the poor harvest, which produced a cereal shortage of 199,576 tonnes and brought economic hardship to the country's rural population, in particular. Due to the combination of uneven rainfall and variable soil quality, there is inequality between the country's southern and western regions, on the one hand, and its northern and eastern regions, on the other, since the former enjoy both richer soil and higher rainfall.

Despite the macroeconomic progress made during the period 1995 to 1999, the social situation of the Burkina Faso people has not improved, a fact that is made abundantly clear by the results of two Priority Surveys (EP) on household living conditions carried out in 1994 and 1998. In fact, the proportion of the population classified as poor rose slightly between 1994 (44.5 per cent of the total, or 4,367,921 people) and 1998 (45.3 per cent, or 4,890,639). People living in rural areas are harder hit by poverty, and poverty among women continues to be worse than among men. According to the 1994 survey on household living conditions, 51.7 per cent of women were extremely poor, compared with 48.3 per cent of men. The average annual income for men and women was less than 27,619 CFA francs.

Women account for 51.8 per cent of the country's total population. Most are destitute and illiterate. They experience considerable difficulties in gaining access to land, credit, and basic social services. However, they are very active, and have formed a number of associations aimed at developing income-generating activities (petty trade, livestock farming and agriculture). In doing so, they have received support from the State (notably through FAARF) and certain development partners (bilateral and multilateral partners, non-governmental organizations). And yet, socio-economic conditions and sociological and cultural problems continue to restrict their participation in economic and public life. The social structure of Burkina Faso is such that access to, and control of wealth are dominated by men. Women therefore have limited room for self-expression, since the decision-making power rests with men.

1.4 Political and legal systems

Burkina Faso has seen considerable social and political development since the early 1980s. That process was marked in particular by the Democratic Popular Revolution, which lasted from 4 August 1983 to 15 October 1987, and then by a policy of economic liberalization which was gradually expanded and refined, culminating in the birth of the Fourth Republic and the adoption of the Constitution in a referendum of 2 June 1991. This liberal Constitution, which was promulgated by Decree of 11 June 1991, established three separate powers:

- The legislative power, which originally consisted of a National Assembly, comprising 111 deputies, and a House of Representatives comprising 122 members drawn from civil society. However, on 22 January 2001, the House of Representatives was abolished, leaving legislative power in the sole hands of the National Assembly. Deputies are elected by direct universal suffrage. The role of the legislature is to adopt laws designed to protect the interests of the people as fully as possible and, if necessary, to provide a counterbalance to the authority of the executive.

- The executive power is held partly by the President of Burkina Faso, who defines the broad thrust of State policy, and partly by the Government, which administers national policy. The head of Government is the Prime Minister, who is appointed by the Head of State. The Government answers to Parliament.

- The judiciary is charged with protecting individual and collective freedoms. It ensures respect for the law. Judicial authority lies in the hands of judges and is exercised throughout the national territory by judicial, administrative and constitutional courts, and courts of accounts. They include the following:

- The Constitutional Court;
- The Court of Cassation;
- The Council of State;
- The Court of Audit;
- The courts of appeals;
- The courts of major jurisdiction;
- The courts of minor jurisdiction;
- The administrative courts;
- The district and circuit courts;
- The courts of special jurisdiction (labour courts, military courts, High State Court).

The body of judges who administer these courts is governed by Act No. 036/2001/AN of 13 December 2001 defining the status of the judiciary. However, members' uniform legal status belies a multiplicity of functions: some serve as "judges", in the traditional sense, while others act as prosecutors. Moreover, they do not all enjoy the same privileges and protections.

In order to ensure the effective functioning of the judiciary, the Constitution establishes that the judiciary shall act independently of the executive and legislative powers. Furthermore, article 130 of the Constitution stipulates that "in the exercise of their functions, judges shall be subject to the sole authority of the law. They are irremovable". In that regard, the Judicial Service Commission (CSM) plays a major role in the administration of judges' careers, including appointments, assignments, promotion and disciplinary action.

1.5 Governmental and non-governmental institutions that promote and protect the advancement of women

The most important governmental institution for the promotion of women's advancement is the Department for the Advancement of Women, which consists of various central and regional offices, located in all 13 regions of the country. There are five specific central offices:

- The Office for the Coordination of Women's Associations (DCAF), whose responsibilities include coordinating and monitoring actions designed to encourage women's access to factors and means of production, credit, and employment;
- The Office for the Promotion and Coordination of Initiatives for Women's Advancement (DPHPF), which is responsible for enhancing the image of women by formulating and implementing the appropriate strategies, disseminating information, and promoting women's access to decision-making at all levels;
- The Office of Legal Affairs (DAJ), which is responsible for designing and implementing information and sensitization activities concerning the awareness of, respect for, and exercise of the basic rights of women and girls;

- The Office of Gender Development (DGD), which provides a framework for eradicating gender inequalities in the various development sectors, and is responsible for promoting and monitoring the State's commitments and for mainstreaming the gender perspective at all levels;
- The Office for the Oversight and Monitoring of Initiatives aimed at Women and Girls (DESAFJF), which is charged with overseeing and monitoring training initiatives for women and girls.

In 2001 and 2002, 13 regional offices for the promotion of women were set up.

Other governmental institutions include:

- The National Committee for the Advancement of Women (CNPF);
- The National Committee to Combat Discrimination against Women (CONALDIS);
- The Centre for Information, Training and Research regarding Women (CIFRAF);
- The focal points at the various Ministries and institutions.

In addition to governmental institutions, there are many associations and non-governmental organizations that work to promote women and protect their rights and freedoms. Since 2001, a number of departmental and provincial offices have been set up to facilitate consultations and negotiations between the Ministry for the Advancement of Women and women's associations. Notable in this context are the Observatory on the living conditions of Burkina Faso women, a scientific institution attached to the University, and a coalition network of around 20 women's associations.

1.6 Legal remedies and other means available to women victims of discrimination

There is no specific legal remedy for women victims of discrimination, except for those provisions of ordinary legislation that specifically penalize discrimination.

Part II
Consideration of specific articles of the Convention

2.1 Policies and laws to eliminate discrimination and to ensure the development and advancement of women (articles 1 to 3)

Discrimination is understood to be any form of exclusion or restriction against women (article 1) in the political, economic, social, cultural, civil or any other field. Governments that protect freedoms and human rights are called upon by the Committee to eliminate discrimination through their national constitutions, through law and other appropriate means (article 2). To this end, all governments of States that have ratified the Convention are asked to take positive measures with a view to ensuring the development and advancement of women (article 3).

After the consideration of the second and third periodic reports submitted by Burkina Faso on the implementation of the Convention in the country during the period 1987-1993, the Committee expressed its wish to see the changes that have

taken place since 1993 in the present report. This first point summarizes the action undertaken with regard to policies and legislation.

Burkina Faso does not have any specific legislation that defines what constitutes discrimination against women. However, most laws firmly condemn all forms of discrimination, including discrimination on the grounds of sex. To this effect, article 1 of the Constitution prohibits all forms of discrimination, including discrimination on the grounds of race, ethnicity, religion, caste, political opinion, wealth and birth.

The same formula is reflected in part or in full by the Labour Code, the reform of the civil service, the Social Security Code, the Individual and Family Code in their respective field.

On the issue of what constitutes discrimination, since the forms of discrimination against women are not clearly specified in Burkina Faso's "positive law", redress for cases of alleged discrimination is discretionary.

Since article 132, paragraph 1, of the Penal Code, states that "any act of discrimination, going against the freedom of conscience and freedom of religion likely to incite people to turn against each other is punishable by a prison sentence of one to five years and by five years of local banishment", anyone who discriminates on the basis of gender is liable to prosecution, especially as the article falls under a section entitled "Racial, regional, religious, sex- or caste-based offences". However, this law does not define what constitutes a sexual offence, whereas criminal law is to be interpreted strictly without any extrapolation.

With regard to the Constitution, since the submission of the last report, there has been no change concerning the affirmation of the equality of all people before the law and the prohibition of all forms of discrimination. Moreover, the preamble to the Constitution, which refers to the Universal Declaration of Human Rights and the African Charter of Human and People's Rights, is expressly considered to be an integral part of the Constitution.

Even so, in Burkina Faso there still exist discriminatory legislation, measures and administrative practices, including the following:

(1) — Discriminatory laws. The Individual and Family Code, which was passed on 11 November 1989 and which came into force on 4 August 1990, has been judged too favourable to women but contains discriminatory provisions which are not "necessarily positive".

Article 238 sets different ages of marriage, 17 for girls and 20 for boys, which might be waived for 15 and 16-year-old girls and 18 and 19-year-old boys. Knowing that Burkina Faso has ratified the Convention on the Rights of the Child, which defines the child as any human being (man or woman) under the age of 18, there is reason to worry about the marriage of physiologically immature children. Given that the primary aim of marriage in African society in general, and in Burkina Faso in particular, is procreation, allowing girls to marry before they are 18 years old means promoting relatively early marriages which are bound to have an impact on their reproductive health.

Furthermore, articles 257 and 267 of the Individual and Family Code permit polygamy. Even if the underlying reasons for the law seem laudable (people were not ready to accept its suppression), in essence these provisions discriminate against

women. In general, in polygamous families, some women are not legally married and for that reason they are often confronted by huge difficulties when it comes to inheritance.

(2) — Discriminatory administrative and judicial measures and practices. These include the following:

- the systematic allocation of family benefits to the father, while the responsibilities of supporting the children generally fall on the mother;
- income tax (*Impôt Unique sur le Traitement et le Salaire*) is higher for women because the responsibilities taken into account for the calculation are automatically attributed to the husband;
- local taxes (residency tax) are exclusively paid by the husband;
- women are required to present additional papers to claim their pension entitlements and those of their children in the event of the spouse's death (Civil Service Pension Fund and National Social Security Fund).

In general terms, in Burkina Faso there are no explicit legislative or administrative provisions that prohibit discrimination against women. However, the previous report of Burkina Faso shows the extent of legal or administrative measures that benefit women. Article 132 of the Penal Code contains the only provision that punishes discrimination. However, the measures envisaged in the previous report for punishing cases of violations of rules for the protection of women have been adopted by the new Penal Code of 13 November 1996. The Code provides under articles 380 to 382 for penalties against any injury of the female genitals (excision, for example), forced marriages (article 376), bigamy (article 377), and payment of a marriage dowry (articles 378 and 379).

Furthermore, equality has been established between men and women with regard to the punishment for adultery (articles 418 to 420 of the Penal Code) and abandonment of the family (article 406 of the Penal Code). In contrast, the punishment for abortion has not been reviewed in order to make it flexible and socially proactive, in spite of the Committee's recommendations.

Generally, owing to the preference for amicable settlement, few cases are submitted to the courts when it comes to domestic violence. However, once cases are submitted or when the offences are committed outside the home, the law takes its course.

Basic law asserts equality and prohibits discrimination. For this reason, government institutions cannot openly apply policies or practices that discriminate against women. In practice, however, there may be hidden discrimination, especially when it comes to recruitment in the labour market and promotion of employees in the socio-professional environment.

In order to improve the status of women in Burkina Faso, there are programmes and plans of action aimed at promoting the economic, social and political development of women on a long-term basis. Organizations have been established to run these programmes and plans of action: the Ministry for the Advancement of Women, non-governmental organizations and associations that defend the rights of women. Even so, there are multiple obstacles that prevent the

participation of women in the development process. The following are especially notable:

- The fact that women do not know their rights and the difficulties they encounter in exercising them when they know what those rights are;
- Female illiteracy affecting more than 80 per cent of women over the age of 15. This makes the underrepresentation of women in decision-making authorities more glaring and prevents them from being empowered so that they can become responsible citizens;
- The influence of traditions which perpetuate the submission of women and the practice of outmoded customs which worsen female illiteracy, poverty and make domestic chores and family responsibilities more onerous.

Thus, as tradition would have it, the woman's place is at home.

2.2 Temporary measures (affirmative action) aimed at accelerating equality between men and women (article 4)

With a view to achieving equality between men and women, a number of provisions have been adopted at the national level. In addition to the temporary measures (including the Bantaaré operation,[1] free distribution of school stationery, the award of scholarships to girls in financial need) and the special measures (such as the establishment of a service for the promotion of girls' education, the adoption of the act on education policy, adoption of the act on the Public Health Code, the establishment of national committees against discrimination, excision, AIDS) described in the previous report, some new measures which have been undertaken should be noted. These include the following:

- Establishment of new organizations to promote the rights of women;
- Establishment of the Ministry for the Advancement of Women;
- Promotion of human rights, with a gender component;
- Development at the national level of non-formal basic education, whose aims include:
  - increasing productivity by making the beneficiaries functionally able to read and write;
  - promoting self-learning;
  - increasing the stock of knowledge and know-how, so that the innovations and key reforms that will bring progress can happen. This non-formal basic education is provided at the young farmers' training centres (CFJA), the permanent centres for functional literacy (CPAF) and the non-formal basic education centres (CEBNF). Satellite schools are being replicated because they have proved their worth.

These measures, however, are running into difficulties such as insufficient coordination, which can be attributed to the sheer number of operators, inadequate financial and material resources, the persistence of social and cultural constraints and the ignorance of rights and responsibilities. For example, girls are

[1] The Bantaaré operation forms part of the mass literacy drive developed since 1988.

underschooled because of the social and cultural constraints related to their status as girls. Indeed, given the low intake capacity and the relatively high costs of education, the schooling of boys is accorded higher priority than that of girls.

To sum up, Burkina Faso does not have formal legislation on affirmative action although the actions taken are consistent with the spirit of article 4 of the Convention, making specific legislation unnecessary, since upon ratification, the Convention became law in Burkina Faso.

2.3 Role of gender and stereotypes (article 5)

Article 5 of the Convention addresses the social and cultural patterns that foster discrimination or maintain stereotyped roles for men and women.

The extremely high level of illiteracy and lack of education that generally prevails among the country's rural populations has been an essential factor in maintaining traditional values that militate against innovation and change. The strong attachment to such cultural values, some of which impede the advancement of women, is an obstacle that is difficult to overcome. Despite the adoption of legislation banning such practices, they still persist. They include:

- Under-age or forced marriage, especially in rural areas;
- Female circumcision (despite the significant progress made in combating the practice);
- Levirate and sororate;
- Son preference;
- Dowries that have lost their symbolic significance and now resemble purchase prices;
- Food taboos that prevent women and children from eating certain foods like eggs, chicken or hedgehogs;
- Accusations of witchcraft, mostly against women, resulting in banishment, social exclusion, and even physical violence;
- Preventing women from inheriting from their husbands and from owning real estate. When the marriage is not recognized, the women's situation gives cause for greater concern, especially since the law does not recognize any legal effect of unions outside of marriage.

Most traditional practices are founded on customs or local religions such as animism. Nevertheless, some constraints also ensue from imported religions such as Christianity or Islam. Some branches of Christianity bless the submission of women to their husbands and prohibit divorce and remarriage, except in the event of the death of the spouse. With regard to Islam, there are cases of under-age or forced marriages, polygamy, repudiation and prohibitions (such as the ban on leaving the family residence).

In general, society has assigned men the role of chief custodian of family, social and political power. In the people's mind, power is a male attribute. Accordingly, from birth, boys are conditioned to value courage and domination. Conversely, women are subjugated, obedient, docile and limited to performing

household and family chores. To that end, girls are brought up believing that their sole ambition is to become submissive wives and mothers.

To mitigate the effects of such practices and allow women to fully enjoy their rights, the Government of Burkina Faso has strengthened its public awareness activities through popularization of the Individual and Family Code, updating of textbooks to remove aspects from them that belittle girls or women, information, education and communication campaigns and training programmes on the rights of the child and of women. The question of stereotypes about men and women in school textbooks and training manuals has thereby been urgently addressed on a nationwide scale and they have been successfully revised. With respect to stereotypes disseminated by the media, the situation has become more complex with the proliferation of private radio stations, which makes it difficult for the Supreme Council for Information to control the content of broadcasts, especially when they are live. The solution to this problem lies in increasing the awareness of the media and training them to take into account the major goals that must be pursued to combat discrimination.

It should also be noted that measures to protect girls and women have also been taken or strengthened, including prohibition of the levirate, dowries, under-age or forced marriages and female circumcision. In any case, as soon as a connection is essentially drawn between obstacles and social, cultural and political factors, the necessary means for redressing them must rely on consciousness raising and enhancing the image of women in order to change mentalities.

Most customs in Burkina Faso are patriarchal and husbands are considered heads of households. In the Individual and Family Code of Burkina Faso, the systematic primacy of husbands as heads of the family has been abolished. The Code stipulates absolute equality of rights and duties between spouses; they thus jointly assume moral and material responsibility for the household (article 293, paragraph 1 of the Code) and jointly exercise parental authority over their children. With regard to participation in the economic life of society, it should be emphasized that in traditional environments there are occupations that are reserved exclusively for men such as the performance of customary ceremonies (sacrifices for example), smithies, construction in certain areas, hunting, fishing and others. Women, for their part, handle domestic chores (cooking, childcare, washing, housecleaning and fetching water and firewood) and engage in petty trade in foodstuffs. Women's activities are often spread out throughout the day so that they have no time to attend to other important activities, such as participation in awareness-raising campaigns on the problems of health, literacy and other areas.

With regard to the prohibition of certain jobs for women, the Labour Code affirms the principle of equal opportunity employment between men and women. However, under the Code, the Government may decide by decree to bar women from certain kinds of work for the purpose of protecting the health of pregnant women and the reproductive capacities of women in general (article 82 of the Labour Code). Nowadays, women are beginning to be employed in jobs that require physical efforts such as mechanical work, carpentry, masonry and the army.

Traditional tasks are, in general, distributed along strict lines. Accordingly, women will never work as blacksmiths, perform sacrifices, go hunting or engage in other such activities. The sexual division of labour begins at a very young age. Girls carry out the work that traditionally falls to their mothers, whereas boys work

alongside their fathers or play games. At school, however, ever since the reform of the curriculum (with the elimination of stereotypes from the manuals) there has been a trend towards uniform treatment of boys and girls in the carrying out of school chores. Chores such as cleaning up classrooms or school courtyards, gardening and planting are jointly performed.

Although there has been a trend towards greater participation by men in the rearing of children, it is still women who basically take care of them, especially very young children. It should be recalled that under the law, parents are jointly accountable for the care and education of their children. In the event of divorce, custody of the children is entrusted to the parent who is best suited to care for them. Judges consider only the best interests of the child. In practice, the father, who, in most cases, is the only person with sufficient material and financial means, is often given custody of children over the age of seven. Children under seven, on the contrary, are placed in their mother's care, as a matter of priority, and the father must pay child support.

2.4 Prostitution and traffic in women (article 6)

The prostitution of women is steadily increasing in Burkina Faso owing, inter alia, to impoverishment and a slackening of moral standards. Prostitution is present in various forms and affects every sector of society. Oddly enough, prostitution, which seems to be a matter of concern to all social sectors of Burkina Faso, is tolerated in that the law of Burkina Faso is silent on the issue and has not formally prohibited it. The law does not make prostitution an offence as such, but it does punish some forms thereof, such as soliciting by prostitutes (article 423 of the Penal Code) and procuring (articles 424 to 430 of the Penal Code). Perpetrators of such offences are duly tried in criminal courts. In none of these cases is the "client" harassed.

It should be noted, however, that prostitutes are subject to mandatory health measures, which are administered by the health service.

The Penal Code of Burkina Faso does not contain specific provisions on child prostitution, but sexual relations with a minor under 15, even if she gives her consent, is a punishable offence (articles 412 to 415 of the Penal Code). Moreover, more severe penalties are imposed for procuring if the victim is under 18. Lastly, incitement to debauchery of minors between the ages of 13 and 18 is punishable under article 422 of the Penal Code. These legal provisions protect minors from prostitution, but do not punish the prostitution of minors.

The prohibited forms of prostitution are effectively suppressed. To that end, the police, in association with social workers, carry out checks to identify prostitutes so as to permit them to undergo medical examinations and to punish those caught soliciting. The sale of sexual services is considered the same as procuring under the law of Burkina Faso and punishable under the Penal Code. It should be recognized, nevertheless, that the existing laws are rarely enforced for the simple reason that prostitutes and procurers are seldom brought to court.

While Burkina Faso has no legislation against the traffic in women, it has acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

There are many obstacles to the elimination of prostitution and the traffic in women, including:

- The scope of the problem, which is growing;
- The absence of adequate criminal policies in this respect;
- The lack of resources for the enforcement of criminal policy;
- The impoverishment and unemployment of young women;
- The flight of women victims of under-age and/or forced marriages towards large cities, where they become destitute and vulnerable;
- The immigration of young women in search of employment from neighbouring countries.

2.5 Article 7: Political and public life

In Burkina Faso, the only restrictions on the right to vote are age (minimum of 18) and moral character (certain convicted persons are barred from voting). Hence, there is no discrimination between men and women; nor is there any discrimination with respect to the right of men and women to submit their names for inclusion in electoral lists. However, under the country's electoral system, only political parties, not individuals, may be admitted as candidates. This offers women no assurance of advancement, since political groups are dominated by men. Despite appeals from Burkina Faso women and despite the Committee's recommendations regarding previous reports, concerning the special temporary measures set forth in article 4 of the Convention and concerning quotas, no reforms have been initiated. However, efforts have been made at the national level to increase women's participation in political and public life.

As far as elections are concerned, women enjoy the same rights as men. In fact, women's participation as voters and/or candidates is increasing significantly. According to a study conducted on women's participation in municipal elections, the percentage of women standing for the position of town councillor rose from 10.5 per cent in 1995 to 18.4 per cent in 2000 (table 2).

Table 2
Candidacies for municipal elections of 1995 and 2000, by sex

	Municipal elections			
Sex	*1995*	*%*	*2000*	*%*
Women	521	10.5	952	18.4
Men	4 447	89.5	4 232	81.6
Total	**4 968**	**100**	**5 184**	**100**

Source: Kadidia K. Tall, 2001.

With respect to the positions of candidates, the same study showed that in 1995, 3.8 per cent of women were listed in first place, representing 0.5 per cent of all first-place candidates. In the same year, 13.8 per cent of women were placed second, and 16.5 per cent third. In 2000, 16.4 per cent of women were listed in first

place — a proportion four times greater than in 1995 — and women accounted for 3.0 per cent of all first-place candidates (table 3).

Table 3
Placement of men and women candidates for 1995 and 2000 communal elections

	Communal elections 1995			
	Women		*Men*	
Placement	*Number*	*%*	*Number*	*%*
1st place	20	3.8	808	18.2
2nd place	72	13.8	756	17.0
3rd place	86	16.5	742	16.7
4th place	107	20.5	721	16.2
5th place	112	21.5	716	16.1
6th place	124	23.8	704	15.8
Total candidates	**521**	**100**	**4 447**	**100**
	Communal elections 2000			
	Women		*Men*	
Placement	*Number*	*%*	*Number*	*%*
1st place	156	16.4	1 570	37.1
2nd place	415	43.6	1 316	31.1
3rd place	381	40	1 346	31.8
Total candidates	**952**	**100**	**4 232**	**100**

Source: Kadidia K. Tall, 2001.

According to election results, the percentage of women elected in the urban communities of Burkina Faso increased considerably from 9.0 per cent in 1995 to 21.4 per cent in 2000 (table 4).

Table 4
Number of seats won by men and women at the 1995 and 2000 elections

	1995 Communal elections		*2000 Communal elections*	
Sex	*No. of councillors*	*%*	*No. of councillors*	*%*
Women	152	9.0	232	21.2
Men	1 546	91.0	860	78.8
Total	**1 698**	**100.0**	**1 092**	**100.0**

Source: Kadidia K. Tall, 2001.

Although the number of women elected as town councillors rose between 1995 and 2000, only three were elected as mayors in 1995 and 2000 (table 5). To serve as mayor, candidates must have a solid political base and enjoy the support of a majority of council members. Clearly, few women succeeded in meeting these two conditions at the two elections in question (Tall, K. K., 2001).

Table 5
Women mayors in Burkina Faso, 1980-2000

Sex	*1980/87**	*1987/93**	*1994**	*1995***	*2000***
Women	2	19	19	3	3
Men	106	89	89	38	54
Total	**108**	**108**	**108**	**41**	**57**

* *Source*: Ministry of Territorial Administration (MAT).
** Kadidia K. Tall, 2001.

The significant participation of women in the 2000 municipal elections is the result of awareness-raising and advocacy campaigns carried out by the Burkina Faso Municipalities Association (AMBF), the Burkina Faso Association of Elected Women (AFEB), and the National Decentralization Committee (CND).

Available statistical data show that other decision-making areas are controlled almost exclusively by men. In the National Assembly, for example, the empowerment of women led to an increase in the number of women deputies: there were four women deputies after the 1992 elections, 10 after the 1997 elections and, in the most recent elections, 13 out of a total of 111 (table 6).

Table 6
Number of women deputies in Burkina Faso, 1978-2002

	Legislative elections			
Sex	*1978*	*1992*	*1997*	*2002*
Women	1	4	10	13
Men	56	103	101	98
Total	**57**	**107**	**111**	**111**

* Only one woman councillor out of a total of five in the National Assembly from 1995 to 2002.

In the wake of the revolution of August 1983 there were at least three women serving in the Burkina Faso Government as Minister or Secretary General. There was a woman in Government as far back as the establishment of the Republic of Upper Volta (now Burkina Faso), in 1958. However, women were not included in subsequent Governments, during the period 1958-1976, and it was not until September 1976 that a woman was again included in Government. Until 1983, there were never more than two women in the Ministry of Social Affairs or the Ministry

for the Advancement of Women. Since ratification of the Convention, in 1984, the number has ranged from three to four (table 7).

Table 7
Women in senior Government positions (Minister or Secretary General of a Ministry), 1999-2002

Sex	*1999*	*2000*	*2002*
Women	3	4	3
Men	32	32	27
Total	**35**	**36**	**30**

With respect to political life, there were also two women heads of political parties in 1995. There was also a woman vice-president of the Supreme Court until 2002 and one woman president of the Burkina Faso Economic and Social Council. Lastly, women have been appointed to head administrative districts and local authorities, and to the positions of Prefect (see graph 1) and High Commissioner. However, their numbers remain insignificant in comparison with those of men (table 8).

Graph 1
Women prefects (1995-2001)

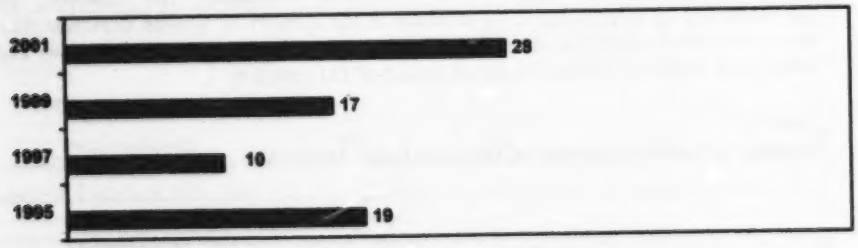


Table 8
Women High Commissioners and Secretaries General of provinces in Burkina Faso, 1995-2002

Sex	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*	*2001*	*2002*
High Commissioners								
Women	1	3	4	3	4	4	4	5
Men	29	42	41	42	41	41	41	40
Total	**30**	**45**	**45**	**45**	**45**	**45**	**45**	**45**
Secretaries General								
Women	0	4	5	5	5	3	4	5
Men	30	41	40	40	40	42	41	40
Total	**30**	**45**	**45**	**45**	**45**	**45**	**45**	**45**

The previous report stated that women enjoyed complete freedom to engage in activities affecting political and public life, taking an active part in the activities of political parties, non-governmental organizations and associations. That trend has been continued and strengthened. Freedom of association is recognized by Act No. 92/ADP of 15 December 1992 on freedom of association. Women take a very active part in both women's and men's associations. Some are also active in union activities, while others even head local non-governmental organizations.

Such women encounter difficulties both in their daily lives and with respect to their participation in public life. The obstacles to their effective participation in political and public life are mostly related to their subordinate position in Burkina Faso society. The constraints may be family-related (excess workload), sociocultural (persistence of traditional practices unfavourable to women), religious, economic (lack of financial resources), or personal (lack of self-confidence, low education level).

In an effort to tackle these many constraints, women are increasingly organizing themselves through civil society, especially through non-governmental organizations and associations, with a view to enhancing the coordination of their efforts to improve their living conditions. They are being supported in their efforts by the Government and by international institutions, which are doing everything in their power to provide them with substantial support in the areas of credit, training/awareness-raising, access to safe water, education, literacy training, and so forth.

2.6 Representation and international participation (article 8)

Article 8 states that women must have the same opportunities as men to represent their country and participate in the work of international organizations.

There has, of course, been some improvement in the participation of women in public and political life at the national level. However, a comparison with the situation of men shows that much remains to be done. Available statistics show that women's presence in international organizations and diplomatic and consular missions still remains insignificant. Burkina Faso has fewer than five women

ambassadors abroad (table 9). Furthermore, the number of women in international institutions or organizations remains small. There was one working as an official of the Agency for Cultural and Technical Cooperation and one serving on the United Nations Committee on the Rights of the Child.

The previous report had already drawn attention to the problem and attributed the causes of this underrepresentation or absence to:

Shortcomings in the follow-up and placement of candidates;

Persistence of sociocultural barriers;

A lack of validation of national skills;

A low level of determination among women.

There has been virtually no improvement in the situation and the concerns raised in the previous report remain valid. The remedies proposed to improve the situation have not been implemented. They included:

Validation of national expertise;

Establishment of a mechanism for sponsoring candidates to international posts;

Establishment of a databank on expertise.

Table 9
Burkina Faso Ambassadors abroad, 1980-2002

Sex	*1980*	*1985*	*1994*	*2002*
Female	0	1	2	3
Male	19	18	19	25
Total	**19**	**19**	**21**	**28**

From an official point of view there does not seem to have been a case where a woman has been unable on account of her sex to represent her country abroad or work in international organizations. However, the fact of being a woman is an obstacle that many women are unable to overcome, especially if they are married.

2.7 Nationality (article 9)

Article 9 grants women equal rights with men to acquire, change or retain their nationality.

Burkina Faso law grants men and women the same rights with regard to nationality and there is nothing that prevents women from exercising this right. A Burkina Faso woman who marries a foreigner or whose husband changes his nationality retains her nationality, unless she chooses to adopt her husband's nationality. If she does so choose, she formally renounces her Burkina Faso nationality, as dual nationality is not allowed under the law.

Burkina Faso nationality is acquired by filiation (child of a father or mother who is a national of Burkina Faso), birth in Burkina Faso or naturalization (administrative decision). Not all these criteria need to be fulfilled; any one will

suffice. If nationality is based on parentage, the mother's nationality has as much weight as the father's.

Minors may be included either on their mother's or father's passport. The father's consent is not required for this. The same is true should the children leave the country with the mother. A woman does not require her husband's authorization to obtain a passport or leave the country.

2.8 Education (article 10)

The education system of Burkina Faso lacked any satisfactory policy up until the early 1990s. The convening of the national conference on education in September 1994 helped to fill that gap. Under Act No. 013/96/ADP on education policy, the education system consists of three subsystems: formal education, non-formal education and informal education.

Formal education is organized into four levels:

- Basic education includes pre-school and primary schooling. Pre-school education is for children from 3 to 6 years of age. It focuses on stimulating the child at the psycho-affective, sensory-motor and cognitive levels and on preparing him or her to cope well with primary schooling. The official age for beginning primary schooling is 7 and the school-age population ranges from 7 to 12 years of age. Under the Act on education policy, schooling is normally compulsory for children from 6 to 16 years of age if the infrastructure, equipment, human resources and prevailing regulations make that possible. Primary schooling consists of a single cycle with three programmes of study (preparatory, elementary and middle). Schooling normally lasts six years, at the end of which pupils are expected to sit for an examination to obtain their primary school leaving certificate (CEPE) and for the secondary school entrance examination;

- Secondary education is for students aged 13 to 19 and includes the following categories: general education, technical and professional education and liberal arts education. It consists of two cycles, each of which has a final examination;

- Higher education can consist of up to three cycles, depending on the field of study or training. A university diploma may be granted at the end of each cycle, depending on the field;

- Professional training involves acquiring specialized knowledge for the exercise of a trade or for improving productivity. Such training is provided at specialized higher professional and technical training centres and secondary technical or professional institutions.

Non-formal education involves all educational and training activities that are structured and organized in a non-school context. It seeks to reach young people and adults who want some specific kind of training but have not been successful in the formal education system or have left school early. Non-formal education is provided at Permanent Literacy and Training Centres (CPAF), Young Farmers' Training Centres (CFJA) and Basic Non-formal Education Centres (CEBNF). There are other organizations that provide professional and managerial training, such as operation ZANU, which is a large-scale community programme that seeks to strengthen literacy, socio-economic advancement and development at the village level.

Informal education is loosely acquired through the family, the social group, community media, movements and associations, in the community, in daily life and through street theatre.

The three main State bodies involved in education are the Ministry of Social Action and National Solidarity (MASSN), the Ministry of Basic Education and Mass Literacy (MEBA) and the Ministry of Secondary and Higher Education and Scientific Research (MESSRS). Besides these three main ministries, other ministries are clearly involved in professional training as part of their responsibilities, in particular the Ministry of the Civil Service (National School of Administration), the Ministry of Agriculture, the Ministry of Animal Resources, the Ministry of Health, the Ministry for the Advancement of Women and the Ministry of Youth and Sport.

In general, the establishment of a directorate for human resources in each of the ministerial departments has made it possible to take into account the continuing training needs of the staff working in each of the departments.

The private sector, both secular and religious, is the second largest source of education in Burkina Faso. Other actors as well, such as the Association of Students' Parents (APE), development associations, village groups, associations based on town of origin, NGOs, also participate in the construction of classrooms and housing for teachers.

Despite the implementation of an affirmative action policy in favour of girls' schooling (establishment of a directorate for the promotion of girls' education, elimination of sexist stereotypes in school textbooks, revision of the content of textbooks, distribution of free school supplies and granting of scholarships to girls on a priority basis), disparities remain between boys and girls and among regions in the Burkina Faso education system. The implementation of the Satellite Schools and Non-formal Basic Education Centres (CEBNF) project starting in 1995 is part of the innovations aimed at reducing these disparities and strengthening the capacities of primary education. These innovations seek to integrate schools in their environment and, on a priority basis, to raise the level of education in the provinces, where the enrolment percentage is 25 per cent or less.

The satellite schools represent the first unit of the formal education system in villages where there is no traditional primary school. They are established upon request by communities near a full-cycle primary school that can accommodate pupils after three years in a satellite school. The satellite schools accept pupils aged 7 to 9 who are not enrolled in a school. From 1995 to 2000, 195 such schools were built in 14 provinces. Full implementation of the Ten-year Basic Education Development Plan (PDDEB) calls for the construction of 3,000 satellite schools by the year 2009, or about 300 a year.

Non-formal basic education centres provide non-formal education combining literacy and vocational skills and are tailored to specific needs and the capacity of the area served to offer apprenticeships in particular fields. Centres have been set up in rural areas and work with young people, ranging from 10 to 15 years old, who are not in school or who are early school-leavers (those who dropped out of school before the second year of the elementary cycle). Forty such Centres have been built up to now and about 1,500 young people have been trained or are now enrolled.

An innovation in the education system of Burkina Faso has been the establishment of the community for mutual assistance facilities for children (EECE),

which are called "Bi-Songo" or "Bi-Tua" in the national languages. The Bi-Songo were started in 1997 and provide a family setting in villages for children between three and six years of age. They provide protection, security and stimulation for the children while allowing mothers to tend to their business and older sisters to go to school. The Bi-Songo seek to better prepare children for life and ensure a normal transition to school. The programme was tried on a pilot basis in 10 villages in three provinces. In the next stage (2001-2009), 14 provinces will be covered. More than 800 children attend the Bi-Songo and many neighbouring communities have asked to be included in the programme.

In terms of access to education, fewer girls or women than boys or men are in fact enrolled in schools. The reasons for this were spelled out in the previous report and are the following:

- The persistence of certain traditional and religious practices that put women at a disadvantage, including the levirate, under age and/or forced marriage, excision and the reluctance to send girls to school;
- Overburdening girls with housework, which prevents them from studying adequately and from doing well in school;
- The lack of financial and technical resources to keep programmes and projects running over longer periods;
- The high cost of education.

Available statistics on school test scores show that more boys than girls pass their final examinations at the end of the academic cycle. The proportion of girls who managed to obtain the primary school-leaving certificate (CEPE), for example, was barely one in three between 1988 and 2001, except in 1994, 1995 and 1996, when girls achieved their best results. Success rates since 1997 have clearly been less satisfactory than during the previous 10 years (in 1988 the rate was 32.4 per cent). A continuing cause for concern is the percentage of girls who have passed the *baccalauréat*, the secondary school diploma, which varied between 21.4 per cent in 1994 and 27.5 per cent in 1999 (see table 10).

Table 10
Percentage of girl and women diploma-holders, by academic year, 1988-2001

	Academic year													
Diploma	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*	*2001*
CEPE	32.4	33.6	33.5	35.5	38.2	-	42.3	51.7	42.4	27.6	27.6	30.2	31.1	32.1
Bacca-lauréat	-	-	-	-	23.0	25.5	21.4	24.7	21.9	24.1	-	27.5	-	-

Single-sex educational institutions have the same curricula, the same testing conditions, the same teaching staff and the same material conditions for boys and girls alike. Consequently, there is no discrimination in this respect.

Table 11
Student-teacher ratio and students per class, 1995/96-2000/01

Indicators	*1995/96*	*1996/97*	*1997/98*	*1998/99*	*1999/00*	*2000/01*
Students per teacher	48	53	54	54	51	51
Students per class	57	54	51	51	50	52

Source: DEP/MEBA — TBS/INSD.

The student-teacher ratio and number of students per class provide a picture of the extent to which classes are overcrowded and teachers are overburdened in Burkina Faso. The average number of students per teacher is more than 50 in primary schools (see table 11). This broad picture hides huge disparities, depending on the locality. In the cities of Ouagadougou and Bobo-Dioulasso, the average number of students per teacher is close to 100 in some schools. Conversely, the provinces of the East and North, where enrolment is the lowest in the county, have the lowest ratios.

Table 12
Percentage of girls and women by level of education in Burkina Faso, 1988/89-2000/01

	School year								
Level of education	*1992/93*	*1993/94*	*1994/95*	*1995/96*	*1996/97*	*1997/98*	*1998/99*	*1999/00*	*2000/01*
Primary	38.4	39.0	39.1	39.4	39.4	39.9	40.4	40.8	39.1
Secondary	33.9	34.1	34.2	34.7	35.2	36.1	32.1	37.8	38.9
Vocational	48.0	49.2	48.2	49.0	51.6	52.4	52.7	52.2	52.0
Higher	21.5	23.0	21.5	24.0	22.2	22.2	22.8	-	-

As table 12 shows, the percentage of female students at the primary level remained practically unchanged over time, and hardly ever exceeded 40 per cent. At the secondary level, there was a slight increase of five points in the percentage of girls, from 33.9 per cent in 1992/93 to 38.9 per cent in 2000/01. The same upward trend was observed at the vocational school level. A comparison between the percentages registered at the secondary and vocational school levels shows that girls are more likely to opt for vocational education than for general secondary studies.

Table 13
Percentage of female students at the University of Ouagadougou from 1988/89 to 1998/99

Faculty/School	*1988/89*	*1989/90*	*1990/91*	*1991/92*	*1992/93*	*1993/94*	*1994/95*	*1995/96*	*1996/97*	*1997/98*	*1998/99*
Faculty of Liberal Arts and Social Sciences	32.2	44.5	30.2	28.7	30.3	30.3	32.0	33.4	32.5	30.3	29.5
Faculty of Science and Technology and Institute of Rural Development	10.4	9.9	9.1	9.3	9.4	9.7	7.9	10.1	10.8	9.7	9.2
Faculty of Economics and Management	15.9	15.9	17.2	17.0	18.8	24.6	18.4	21.0	18.2	18.7	19.6
Faculty of Health Sciences (Training and Research Unit for health)	20.1	18.9	17.6	18.4	18.3	21.4	23.8	24.7	23.6	25.8	28.4
Faculty of Law and Political Science (Training and Research Unit for law)	29.4	27.5	26.8	27.4	26.1	28.2	27.3	28.0	24.9	26.6	28.8
Higher School of Computer Science	0.0	0.0	11.1	7.1	5.6	7.3	5.4	3.6	8.4	12.1	12.1
Institute of Educational Sciences	8.5	73.3	15.0	13.5	14.8	15.6	13.8	14.4	14.2	15.9	15.6
University Institute of Technology	42.8	43.3	43.5	49.9	43.9	40.9	34.1	35.6	30.4	36.5	36.5
Aggregate	24.1	27.9	23.1	22.6	22.8	22.8	22.1	24.0	22.6	22.5	22.9

In higher education (see table 13) the percentage of female students declines over time, from 24.1 per cent in 1988/89 to 22.9 in 1998/99. It is in the liberal arts faculties (such as the Faculty of Liberal Arts and Social Sciences and the Faculty of Law and Political Science, now the Training and Research Unit), or technical colleges (such as the University Institute of Technology), where the most women are enrolled. Differences over time in the percentage of women students in such institutions remain relatively insignificant from one year to the next.

Table 14
Percentage of female students with higher education scholarships, 1992/93-1999/2000

	Academic year				
University	*1992/93*	*1993/94*	*1994/95*	*1996/97*	*1997/98*
University of Ouagadougou	22.0	23.6	21.4	19.3	22.6
Other African universities	11.6	14.7	16.7	12.1	12.3
Universities outside Africa	11.5	12.7	12.3	12.1	13.2
All universities	19.9	21.6	20.1	18.2	21.2

Very few female students hold scholarships (see table 14); they barely number one out of every five. The system on the whole has produced unsatisfactory results.

The crude enrolment rate of girls in 2000/2001 (36.2 per cent) is equivalent to the enrolment rate of boys 10 years previously, in 1990/1991 (see table 15). The gaps in enrolment rates between boys and girls have remained relatively constant over time (12.6 per cent in 1990/1991 and 12.7 per cent in 2000/2001), which show that, despite the significant increase in the number of enrolled students, there is still a gap registered between boys and girls and calls into question the strategies that have been implemented.

Table 15
Crude enrolment rates (%) by level of education in Burkina Faso, 1989/90-2001/02

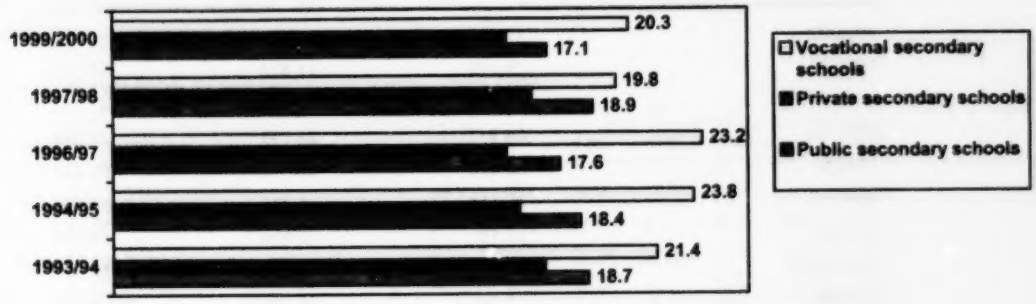
	School year											
Level of education	*1989/90*	*1990/91*	*1991/92*	*1992/93*	*1993/94*	*1994/95*	*1995/96*	*1996/97*	*1997/98*	*1998/99*	*1999/00*	*2000/01*
Primary												
Girls	22.43	23.55	24.31	25.2	26.96	28.55	30.38	31.1	33.4	33.6	34.6	36.2
Boys	-	36.14	36.78	38	40.39	42.51	44.73	45.4	48	47.1	47.7	48.9
Total	**28.86**	**29.98**	**30.69**	**31.7**	**33.83**	**35.69**	**37.72**	**38.4**	**40.9**	**40.5**	**41.3**	**42.7**
Secondary												
Girls	-	-	-	6.1	6.51	6.93	7.41	7.88	8.36	-	-	-
Boys	-	-	-	11.01	11.64	12.31	12.91	13.36	13.59	-	-	-
Total	**-**	**-**	**-**	**8.59**	**9.12**	**9.66**	**10.21**	**10.67**	**11.02**	**-**	**-**	**-**

Specific efforts have certainly been made at the national level to improve the implementation of the policy of positive discrimination in favour of girls (by granting them scholarships and distributing free school supplies to them, for example) and the establishment of an oversight board for the promotion of girls' education. The Parent-Teacher Association has conducted and is stepping up awareness-raising activities for parents throughout the country, particularly in areas with the lowest enrolment rates. The adoption by decree No. 99-254/PRES/PM/MEBA of 20 July 1999 of ten-year basic education development plan for 2000 to 2009 is proof of the priority given to basic education following the promulgation of Act No. 013/96/ADP of 9 May 1996 on education policy. Under the 10-year plan, all partners from the basic education sector are urged to organize themselves and consult each other in order to provide technical and financial support for the priority programmes and strategic choices of the Government. One of the fundamental goals of the 10-year plan is to bring school enrolment up to 70 per cent by 2009, with particular emphasis on the enrolment of girls and children in the least-developed rural areas.

The factors that continue to hamper such efforts include the lack of financial and technical resources, the high cost of education for the State and for households, social and cultural obstacles, the excessive work burden of women and girls and the fact that poor families and some social circles either do not want or do not have the opportunity to send children in general, and girls in particular, to school.

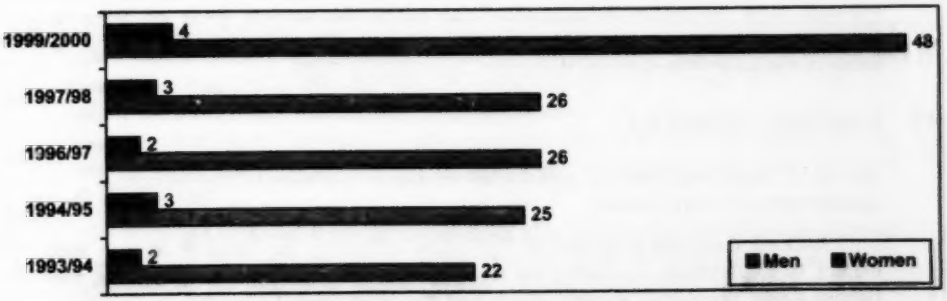
The majority of teachers in public or private secondary schools are men. Women teachers are better represented in vocational schools (see graph 2). Women teach subjects in the social sciences or literature (see table A1 in the annexes).

Graph 2
Percentage of female teachers in secondary schools, 1993/94-1999/2000, by teaching sector



At the primary school level, there are very few women among the supervisory staff. The available statistics on inspectors allow us to assess the gender disparities (see graph 3).

Graph 3
Number of primary school inspectors, 1993/94-1999/2000



Compounding the country's poor schooling rate is a relatively high incidence of illiteracy, which is becoming increasingly acute for women in general and for rural women in particular. Indeed, the female literacy rate, which was about 10 per cent in 1991 (1991 demographic survey), barely reached 13 per cent in 1998 (1998/99 demographic and health survey). The male literacy rate was about 33 per cent in 1999 (UNDP, 2001) or nearly thrice the female literacy rate. Literacy programme activities have increased nationwide. In 1997, more than 270 regions containing some 4,500 villages were covered as compared to 90 regions in 1990/91. The number of functional literacy and training centres rose from 1,868 in 1990/91 to 4,669 in 1997. Functional literacy statistics coming from these centres show that, of the people trained since 1999/2000, the number of women who can now read and

write has been significantly exceeding the number of men (table 16). The awareness and mobilization campaigns conducted to get more women to participate in the activities of these centres have helped to achieve these results.

Table 16
Statistics on functional literacy in vernacular languages (1991/92-2001/02)

Year	*Male*	*Female*	*Total*
1991/92	19 958	9 793	29 751
1992/93	25 153	11 870	37 023
1993/94	27 888	14 864	42 752
1995/96	24 857	23 193	48 050
1996/97	32 090	28 342	60 432
1997/98	28 318	26 287	54 605
1998/99	23 481	20 866	44 347
1999/2000	25 747	26 622	52 369
2000/01	30 117	34 256	64 373
2001/02	25 423	31 194	56 617

Source: INA

Among the difficulties encountered in the functional literacy programme activities are the coordination gaps resulting from the sheer number of actors involved, inadequate funding and the fact that in community development projects, the functionally literate were not used. There is some hope, however, because the ten-year basic education development plan (PDDEB) accords pride of place to literacy campaigns and programmes. Burkina Faso's illiteracy reduction goal is to bring its national illiteracy rate down to 40 per cent by 2009.

2.9 Employment (Article 11)

Article 11: States shall take all appropriate measures to eliminate discrimination against women in employment.

Burkina Faso has a wealth of legislation affirming the equality of men and women in employment, including the Constitution, the civil service regulations, the Labour Code, the Social Security Code and the international conventions to which Burkina Faso is a party. At the institutional level, structures have been created to ensure the enforcement of these laws and to settle any conflicts that may arise. For example, cases involving business conflicts between employers and employees can be addressed to the Labour Inspectorate for settlement. Bodies like the Civil Servants' Pension Fund (CARFO), and the National Social Security Fund (CNSS) ensure, among other things, that the contributions of working employees are properly managed and that retirees are paid their pension benefits.

All these mechanisms are designed to guarantee gender equality on the job market and to facilitate remedial action should cases of discrimination arise. Admittedly, however, certain recruitment practices are discriminatory (against

women in general). A case in point is the exclusion of expectant or nursing women from competing for certain jobs.

Looking at the statistics on civil servants, the proportion of women in management positions during the period 1996-2002 would seem to have levelled off, relatively speaking, at barely 19 per cent. Women are frequently listed in the national civil service as support staff. The proportion of women in this category has risen from 24.6 per cent to 28.3 per cent (table 17). In any case, men outnumber women in the national civil service.

Table 17
Percentages of female civil servants, 1996-2002

Staff category	*1996*	*1997*	*1998*	*1999*	*2000*	*2001*	*2002*
Senior Management (category A, P)	18.7	18.8	19.6	18.2	18.2	18.6	18.6
Middle Management (category B)	25.2	26.5	26.2	25.7	25.4	25.2	25.2
Junior Management (category C)	22.1	22.4	23.0	23.2	23.3	23.0	23.0
Support Staff (category D, E)	24.6	25.0	26.0	28.1	28.6	28.3	28.3
Other	11.9	11.1	11.7		-	-	-
Total	**22.7**	**23.1**	**23.6**	**23.8**	**23.9**	**23.7**	**23.7**

In the private sector, producing results and meeting timelines constrain employers, more often than not, to hire men rather than women, because of childbearing and perceived obstacles having to do with their conjugal or motherhood status.

As custom would have it, women used to be barred from certain occupations (blacksmiths, hunters, auto-mechanics, drivers and the like) exclusively reserved for men. Since the 1980s, those barriers have been broken and women are increasingly taking up professions traditionally reserved for men. In 1987, for example, there were four women mechanics, 82 women masons, and 30 women drivers in the civil service. Since that time, the number of women practising such professions has been on the increase.

It should be noted from the outset that, regarding wages and salaries, Burkina Faso recognizes the principle of equal pay for work of equal value for all, as submitted in the preceding report. Since then, no change has occurred, so wage discrimination in the civil service is unlikely. It does occur, however, in the private sector and the victim can take her case to the labour inspectorate and labour courts for redress. Fear of the courts, lack of confidence in the magistrates, fear of losing their jobs or ignorance of their rights and/or procedures limit the legal action that women may want to take.

Women's domestic work is not covered in national accounts for the simple reason that no measure exists for assigning it a value.

Retirement age is uniform for men and women alike: (1) 55 for senior and middle management in the civil service; (2) 54 and 53 for other staff; (3) 60 for doctors, university lecturers, judges and army officers; and (4) 45 for the rank and file.

For the same grade, women and men pay the same pension contributions. Each spouse enjoys their life pension benefits. Only when one of them dies does the surviving spouse (widower or widow) benefit from the pension due the other (cf. annexes A2 and A3).

For the specific case of expectant working mothers, the law provides for 14 weeks of maternity leave. When they resume work, Article 85 of the Labour Code allows them to take an hour and a half off each working day over a period of 15 months to breastfeed their babies. In the civil service, they can choose between 11 a.m. to 12.30 p.m. or, alternatively, 7 to 8.30 a.m. On the whole, these arrangements are respected.

Coming to the issue of women being dismissed for maternity (pregnancy, maternity leave) and other reasons, the laws in Burkina Faso are stringent and expressly forbid that women should be dismissed for any reason having to do with pregnancy, maternity leave or their civil status. Dismissal for such reasons would be considered unjustified and liable to the payment of damages. In practice, however, such dismissals are disguised under other pretexts.

To enable working women to look after their infants and to go about their business, care initiatives are being developed and replicated. The State has built urban public nurseries that care for pre-school children (up to age 6) for a fee but even with similar facilities being provided by private day-care centres and kindergartens, the number of such facilities remains insufficient. In spite of these initiatives, there are not enough of these facilities nationwide and the number of functioning pre-schools enumerated in 1998 stood at 154, with the public sector accounting for 80 of them. The proportion of pre-school children, whose ages ranged from 3 to 6, was 0.7 per cent in 1991 and 0.8 per cent in 1995. In 1997, 1.4 per cent of the children of pre-schooling age were actually attending pre-school. Reasons for the relatively low attendance levels observed include the fact that the pre-schools are underequipped in teaching materials, there is no clear link between pre-school and primary school, no specialized cadre of teaching staff and the fact that they are expensive.

2.10 Health (article 12)

In accordance with the provisions of this article, States Parties shall take all appropriate measures to give women and men equal access to health-care services, including those related to family planning.

> "Like many Third World countries, Burkina Faso is faced with considerable health problems. Malnutrition and poor hygienic conditions thwart the progress achieved by modern medicine, such as vaccinations and health education campaigns." Gilbert Tarrab, "*Femmes et pouvoirs au Burkina Faso*" ("Women and Power in Burkina Faso")

The available indicators on health show that the situation remains alarming. The maternal mortality rate, which went from 566 maternal deaths for every 100,000 live births in 1991 to 484 per 100,000 in 1998/99, shows a decline in such deaths. Despite this downward trend, the level registered in 1998/99 remains very high. According to the 1993 demographic and health survey of Burkina Faso the infant mortality rate rose from 93.7 per 1,000 live births in the early 1990s to 105.3 per 1,000. These results show that, at the national level, there has been a relative

increase in infant mortality and that far more boys die than girls (see table 18). Life expectancy rates have improved, going from 52.2 years in 1991 to 54.1 in 1996. Girls born today can expect to live longer than boys: average life expectancy was 50.7 years for boys and 53.2 for girls in 1991; in 1996 the levels reached 53.4 and 54.2 years, respectively.

Table 18
Mortality rates, 1985-1998/99

Mortality indicator	*General population census 1985*	*Demographic survey 1991*	*Population and health survey 1993*	*General population and housing census 1996*	*Population and health survey 1998/99*
Maternal mortality rate (per 100,000 live births)	-	566	-	-	484
Infant mortality rate (per 100,000 live births)					
Girls	135.0	113.0	100.3	104.8	100.9
Boys	132.9	123.1	114.5	109.3	116.1
Total	**133.9**	**114.6**	**93.7**	**107.1**	**105.3**
Child mortality rate (per 1,000)					
Girls	-	183.5	199.5	172.4	216.1
Boys	-	193.0	209.3	175.9	231.8
Total	**216.2**	**184.9**	**204.5**	**174.2**	**219.1**
Average life expectancy (in years)					
Girls	48.8	53.2	-	54.2	-
Boys	48.2	50.7	-	53.4	-
Total	**48.5**	**52.2**	-	**54.1**	-
Crude mortality rate					
Female	17.1	14.7	-	13.5	-
Male	17.9	16.6	-	16.3	-
Total	**17.5**	**16.4**	-	**14.8**	-

As table 19 shows, few mothers receive prenatal care (29.4 per cent in 1993 versus 31.7 per cent in 1998/99. The average number of children per women remains very high in Burkina Faso. Women have on average almost seven children during their childbearing years, which is probably because they are still being married early and because of low contraceptive use (see table 19). The contraceptive prevalence rate among women in customary marriage unions is less than one in 20 (4.8 per cent).

Table 19
Fertility rates, 1985-1998/99

Fertility indicator	*General population census 1985*	*Population survey 1991*	*Population and health survey 1993*	*General population and housing census 1996*	*Population and health survey 1998/99*
Crude fertility rate (per 1,000)	49.6	45.2	43.0	48.2	45.1
Total fertility rate (per 1,000)	223.0	223.4	233.0	213.0	229
Percentage of women receiving prenatal care (2-3 check-ups)	-	-	29.4	-	31.7
Average number of children per woman	7.2	7.3	6.9	6.8	6.8
Unmet need for contraception (in percentage terms) on the part of married women	-	-	25.9	-	42.4
Contraceptive prevalence — modern methods (in percentage terms)					
All women	-	-	4.0	-	5.8
Women in customary marriage unions	-	-	4.2	-	4.8

There are no legal or cultural obstacles to women gaining access to health care for the mere fact of being women. But, in general, people are turning away from modern medicine to traditional healers because of a lack of financial resources and religious and customary reasons.

Married women do not require their spouse's consent to receive medical care and counselling in connection with family planning. However, couples must consult each other, especially with respect to birth control. In practice, if there is no agreement, the husband tends to get his way.

Intentional abortion is prohibited under articles 383 to 385 of the Penal Code. It is allowed for medical reasons and cases of incest and rape (under article 387 of the Penal Code). In cases where it is permitted, it is performed in public health facilities free of charge. If it is performed in a private facility, it is not covered by insurance or social security. Intentional abortion is performed clandestinely and is a contributing cause of death or related diseases.

The practice of excision and of female genital mutilation of any kind is prohibited in Burkina Faso (under articles 380 and 382 of the Penal Code). However, it is practised clandestinely and under poor sanitary conditions. It is one of the causes of death and disability. That is why particular emphasis has been put in Burkina Faso on efforts to combat this scourge.

Aside from the practice of excision, certain forms of violence against family members are punishable under the Penal Code. They include:

- Parricide, the killing by a child of his father, mother or other person from whom he is descended (article 321 of the Penal Code);
- Infanticide (article 322 of the Penal Code);
- Assault and battery (article 327 to 328 of the Penal Code);

- Violence and assault by fathers and mothers against their children (article 322 of the Penal Code);
- Poisoning of persons closely related by blood or marriage (article 339 of the Penal Code);
- Forced marriage (article 376 of the Penal Code).

Men and women who are victims of such violence enjoy equal protection under Burkina Faso's penal law. Furthermore, women who appeal to the courts in the event of such violence are generally vindicated.

In the area of health, the Government has adopted and taken the following political and legal measures:

- The adoption in 1991 of a population policy, including a "health and nutrition" component aimed at improving the quality of life of the people;
- The adoption in 1992 of a strategy for strengthening primary health care, or the Bamako Initiative, which focuses on maternal and child health care, family planning and community participation, including the participation of women;
- The decentralization of the health system in 1995/96 through the establishment of health districts, operational units that are capable of providing, inter alia, emergency obstetrical care;
- The adoption of a nationwide pharmaceutical policy in 1996 that emphasizes essential generic medicines;
- The amendment to the Penal Code in 1996 to provide, in addition to therapeutic abortion, for legalized abortion in the event of rape, incest or congenital malformations. Moreover, it establishes new penalties to suppress excision, forced marriage and the levirate;
- The development and implementation of a national maternal and child health programme (1994-1998);
- The adoption of a national safe motherhood strategy (1998-2000);
- The adoption of a strategy of intervention in information, education and communication, sexually transmitted diseases, HIV/AIDS, family planning and family-life education (November 1996);
- The adoption of a strategic plan to combat malaria (2001-2005);
- The adoption of a programme to reduce mother-to-child transmission of HIV;
- The implementation of three national plans to combat HIV/AIDS and sexually transmitted infections and the adoption of a strategic framework to combat that scourge (2001-2005);
- The implementation of a comprehensive epidemiological surveillance support project (PASEI).

2.11 Article 13: Social and economic benefits

Article 13 aims to guarantee women equal rights to family benefits, credit, and participation in all aspects of cultural life.

With the exception of family allowances, which are paid to the husband during his lifetime and during his working life, married or single women enjoy the same socio-economic benefits, under their own names. They may freely contract a loan without needing the consent of the husband or another man. However, in the case of a mortgage, they must obtain the consent of their husbands, if the building is part of the statutory community of property. This condition also applies to the husband.

Women may participate in leisure activities, sport, and other aspects of cultural life, without any legal restriction. However, the various sociocultural constraints and stereotypes that undermine the status of Burkina Faso women represent obstacles to their full participation in such activities.

2.12 Article 14: Rural women

Article 14 addresses the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families and communities, including their work in the non-monetized sectors of the economy.

Despite the efforts made over recent years to decentralize the health system in Burkina Faso, access to health care in rural areas remains difficult. The existing facilities are often restricted to emergency care and first aid, which are administered until the patient can be evacuated to better-equipped urban centres.

This picture is illustrated in tables 20 and 21. The infant mortality rate recorded for rural areas in 1989/99 (113.2 per 1,000 live births) is almost double the rate for urban centres (67.4 per 1,000). Also, life expectancy is lower in rural than in urban areas.

Table 20
Selected mortality rates for rural women, 1985-1998/99

Mortality indicator	*GPC 1985*	*DS 1991*	*DHS 1993*	*GPHC 1996*	*DHS 1998/99*
Infant mortality rate (per 1,000 live births)					
Total for rural areas	145.8	-	113.0	-	113.2
Girls in urban areas	-	105.1	-	83.6	-
Boys in urban areas	-	115.7	-	105.5	-
Total for urban areas	100.3	108.1	76.4	94.6	67.4
Child mortality rate (per 1,000)					
Total for rural areas	-	-	214.4	-	234.7
Girls in urban areas	-	157.7	-	135.8	-
Boys in urban areas	-	168.4	-	148.0	-
Total for urban areas	-	162.3	148.4	141.9	129.1
Average life expectancy (years)					
Total for rural areas	47.2	-	-	-	-

Mortality indicator	*GPC 1985*	*DS 1991*	*DHS 1993*	*GPHC 1996*	*DHS 1998/99*
Girls in urban areas	-	57.6	-	57.7	-
Boys in urban areas	-	54.7	-	55.0	-
Total for urban areas	55.0	56.1	-	56.3	-
Crude mortality rate (per 1,000)					
Total for rural areas	-	-	-	-	-
Females in urban areas	-	11.0	-	11.0	-
Males in urban areas	-	12.0	-	12.2	-
Total for urban areas	11.4	11.0	-	11.6	-

Fertility rates are higher in rural areas than in urban areas. Data for 1998/99 show that on average, women living in rural areas give birth to nearly three children more than women in urban areas (7.3 children compared with 4.1). Whereas the average number of births per woman has fallen in urban areas (from 5.0 children in 1993 to 4.1 in 1998/99), the average for rural areas has remained consistently above 7.

Table 21
Selected fertility rates for rural women, 1985-1998/99

Fertility indicator	*GPC 1985*	*DS 1991*	*DHS 1993*	*GPHC 1996*	*DHS 1998/99*
Rural areas					
Crude birth rate (per 1,000)	-	-	-	47.1	47.0
Total fertility rate (per 1,000)	224.8	-	-	220.0	247.0
% of women receiving prenatal care	-	-	-	-	-
Average number of children per woman	-	-	7.3	7.1	7.3
Contraceptive prevalence — modern methods (%)	-	-	-	-	-
Women in customary marriage unions					2.6
Urban areas					
Crude birth rate (per 1,000)	47.7	-	39.0	38.6	32.6
Total fertility rate (per 1,000)	209.8	198.8	168.0	171.5	137.0
% of women receiving prenatal care	-	-	-	-	-
Average number of children per woman	6.5	6.3	5.0	5.4	4.1
Contraceptive prevalence — modern methods (%)	-	-	-	-	-
Women in customary marriage unions	-	-	-	-	20.1

In Burkina Faso, only fully registered private-sector workers receive social security benefits, so rural housewives are excluded.

As regards women's integration into society, it must be said that in rural areas, due to the constraints of tradition, women living alone find it hard to gain

acceptance. Moreover, the situation should not even arise, since the levirate system still exists in certain areas and polygamy is also practised. In consequence, single women are regarded as women of disrepute. Women who do not bear children are often abandoned or repudiated, because they are seen as ill-fated.

With respect to their participation in economic life, most perform household chores such as taking care of children, cooking, cleaning, washing and fetching water and firewood. In some areas, they play a full role in farming activities and animal husbandry (feeding and milking). They also perform some supplementary economic activities, such as petty trading (selling food), handicrafts (basket-making, pottery), cotton spinning, building (in certain ethnic groups), manufacture and sale of alcoholic drinks.

Agrarian and Land Reform (RAF) provides for men and women's equal access to arable land and to housing, but the provisions are not applied. In rural areas, women rarely have access since, in some traditions, they are often regarded as the absolute property of men. However, in better-off urban areas, women have full property rights.

Rural women have the full right to organize groups, cooperatives or economic development programmes. The law does not discriminate in this regard. Four types of organization are common to rural areas:

- traditional organizations;
- women's groups;
- cooperatives;
- non-governmental organizations and associations.

The main purpose of traditional organizations is mutual assistance (for example, *tontine*, a voluntary system of group savings).

Due to religious and customary traditions, women are generally excluded from activities organized in rural communities by men.

In general, there are no facilities for selling goods, with the exception of those for cotton, shea, and certain cereals that are collected for storage at central grain warehouses. Wherever such facilities do exist, there is no discrimination.

2.13 Article 15: Equality before the law

Article 15 requires that States take all necessary steps to ensure women equality with men before the law.

Neither the Constitution nor subsequent legislation discriminate against women with respect to the exercise of rights and freedoms. As long as they are of majority age, women may access the courts as plaintiff or defendant, or give testimony, on equal terms with men. They may pursue legal professions (including as judges, attorneys, lawyers or experts) without restriction due to their sex. Of Burkina Faso's total of 11 notaries since 1988, 6 have been women. Over the same period, 4 out of a total of 34 bailiffs have been women. There have been about 20 women attorneys over the past three years: of the total of 112 registered attorneys for the period 2000-2001, 23 were women, compared with 24 out of 111 for 2001-2002 and 22 out of 108 for 2002-2003.

Moreover, in general, women enjoy equal access to legal services, particularly in the area of legal assistance. They may freely conclude contracts in their name, administer their own property, and execute wills. They can also be appointed as estate administrators. However, since Burkina Faso has not legislated in civil and commercial matters, apart from the Individual and Family Code, there remain certain provisions that discriminate against women in certain French laws that date from the colonial era and are still in force, notably in the area of contract law. With respect to business, the new law stemming from the project to harmonize Africa's business laws contains no provisions that discriminate against women.

The choice of family residence is made by both spouses. If no agreement is reached, the husband's choice prevails.

2.14 Matrimonial and family law (article 16)

Article 16 seeks to eliminate discrimination against women in marriage and the family.

The 1996 General Population and Housing Census (RGPH) showed that 51.7 per cent of officially married women live in polygamous unions. Polygamous households are more common in rural areas (54.6 per cent) than in towns (32.0 per cent).

While there is a higher incidence of women in polygamous unions in the rural areas, there are more women heads of household in urban areas. The Census showed that 11 per cent of the heads of household in Burkina Faso are women. This percentage is 17.3 per cent in urban areas but is lower in rural areas (10.1 per cent). The trend shows that these figures are rising.

Family relations are governed exclusively by the Individual and Family Code, which has been in force since 4 August 1990. Since that date, religious and customary laws have no legal effect and cannot be invoked to override legal provisions in force.

The right to choose one's spouse is recognized for men and women. In order to protect this freedom of choice, the Code prohibits the payment of a marriage dowry. The dowry acts to restrict a woman's freedom of choice, as she would only be able to choose a man able to pay that sum. Furthermore, the Penal Code makes it a punishable offence to demand a dowry or agree to pay or receive a dowry and provides for a punishment consisting of three to six months' imprisonment and/or a fine of 100,000 to 1,000,000 CFA francs (article 379 of the Penal Code).

The need for the future spouses to give their personal consent is set out in article 240 of the Individual and Family Code: "There is no marriage without the consent of the future spouses, which is to be expressed at the time of the solemnisation of the marriage." In order to ensure that such consent exists and is sincere, the law requires Civil Registry officials to interview couples personally before solemnizing marriages.

Furthermore, under article 281 of the Individual and Family Code a marriage that is entered into without the consent of one of the spouses shall be declared null and void. The judge shall annul a marriage if the consent of one of the spouses has been secured by physical or moral coercion or there has been a misrepresentation

about the person or his or her character (article 284 of the Individual and Family Code). In such a case, the judge may declare the marriage void.

Besides the provisions of civil law, the Penal Code provides that anyone who forces someone into marriage shall be liable to six months' to two years' imprisonment. That punishment is increased to one to three years' imprisonment if the victim is a minor. The maximum penalty is imposed if the victim is a girl under 13. Anyone who arranges or promotes such a marriage shall be considered an accomplice (article 376 of the Penal Code) and shall be subject to the same penalties. In reality forced marriages are common owing to ignorance of the relevant rules by victims and the constraints of customs, religion and other factors.

Betrothals are not governed by the law and therefore have no legal force. In practice, engagement ceremonies are conducted according to customary and religious rules, often based on Western practices. In any case, the betrothed remain free to marry and are not considered married until there has been a ceremony before a Civil Registry officer.

The legal age for marriage is 20 for men and 17 for women. This age may be lowered on an exceptional basis for serious cause through a waiver granted by the civil court, but in no case for a man under 18 or a woman under 15. During the preliminary proceedings, each spouse must present a birth certificate or a statutory declaration authorized by a judge so that the Civil Registry officer can verify the age of each spouse. If one of the spouses is under age and there is no waiver, the marriage is annulled. However, such annulment may no longer be invoked if a previously under-age spouse has reached the legal age or if the woman is pregnant.

Under criminal law, a spouse's being underage is an aggravating circumstance in cases of forced marriage. The law does not recognize the marriage of children which, however, is still being practised by some ethnic groups. Like other forms of forced marriage, it is one of the causes of rural depopulation and contributes to prostitution. The age of legal majority is 20 for both men and women without any discrimination.

Marriages are recorded in the marriage register maintained wherever the wedding ceremony is held. An annotation of the wedding and the name of the spouse are also entered in the margin of each spouse's birth certificate. Divorces are also recorded in the marriage register and the relevant annotation is inserted in the margin of the marriage certificate and each birth certificate.

There is no discrimination with regard to the rights and responsibilities of marriage (article 235 of the Individual and Family Code). Both spouses jointly assume material and moral responsibility for the household (article 293 of the Individual and Family Code).

Article 232 of the Individual and Family Code provides that monogamy is the common law form of marriage and permits polygamy only when the spouses agree to that option before the wedding ceremony. The polygamy option allows the husband to contract more than one marriage and establishes a regime of separation of property for the spouses. In the absence of that option, a spouse who remarries before his earlier marriage is dissolved is liable to the penalties provided under article 377 of the Penal Code on bigamy.

Under the Individual and Family Code couples living in polygamous unions have the same rights and each wife forms a household with the husband and so can claim equality of treatment with the other wives.

Cohabitation has no legal effect on the persons living together. However, children born to them have the same rights as children born in wedlock and the parents have the same moral and material obligations because they are vested with parental authority.

The right to decide on the number and spacing of children is a basic and important decision for any couple and should normally be exercised with the consent of the husband as provided for by the Individual and Family Code. Decisions must therefore be taken jointly by both spouses. Any disputes should be arbitrated by a matrimonial judge. However, a wife may avail herself of any relevant information and advice on family planning.

There is no specific law against the ill treatment of women. The law punishes various categories of ill-treatment (abuse, abandonment, genital mutilation). In reality, many women are abused but few cases are referred to the courts. Decisions on the maintenance and upbringing of children are taken by mutual agreement between the spouses. In the event of difficulties, the matter is referred to the relevant court, but the fact that men tend to dominate skews the desired balance.

Legally, women have the same rights with respect to custody and care but in practice they are prevented from exercising those rights because of social and cultural constraints.

Under a regime of community of property, property acquired during the marriage is usually held in common. Under a regime of separate property, each person freely administers his or her own property. However, both spouses must hold some of the property needed for the household in common. Such property is managed by joint agreement.

The naming of a child is prescribed by law so that a child born in wedlock bears its father's name and this cannot be changed by the parents. Exceptionally, a child born in wedlock may bear its mother's name if the father denies paternity. A child born out of wedlock bears its father's name if there is proof of paternity. Otherwise, it bears its mother's name.

Parents may select any given names for their children. The law does not provide for married names. In principle, each spouse keeps his or her last name, although a wife may choose to use her husband's name.

With regard to the exercise of a profession, under article 295 of the Individual and Family Code, each spouse has the right to exercise a profession without the consent of the other. If one spouse claims that the exercise of a profession by his or her spouse would be detrimental to the interests of the family, the matter is referred to the appropriate court.

There is no discrimination between men and women with regard to the right to own, acquire or dispose of property, except as otherwise stipulated in the provisions concerning joint property.

The rules concerning divorce do not contain any discriminatory provisions against women with regard to the grounds, procedures or effects of the divorce.

Unilateral divorce or repudiation is not recognized under Burkina Faso law. The law provides for two forms of divorce: divorce for cause and divorce by mutual agreement. In either case, a judge must hand down a decision. Divorce judgements or decisions are recorded in the register of the Civil Registry where the wedding took place and an annotation regarding the divorce is made in the margin of the marriage certificate and the birth certificates of each spouse (article 88 of the Individual and Family Code).

In the event of a divorce, custody of the children born in wedlock is granted to one of the spouses with the sole aim of doing what is best for the children. However, custody of children under 7 must be awarded to the mother, unless special circumstances make such custody not in the interest of the child. Also, on an exceptional basis, custody may be granted to another natural or legal person.

In the event of the husband's death, the wife automatically keeps the children, unless she is unable to do so, in which case, a guardian must be appointed. What usually happens, especially in traditional areas, is that the children are given to a man, the wife preferring to give up custody either because she does not have the means or by force of tradition.

A divorced spouse who does not have custody of the children must still contribute to the maintenance and education of the children by paying child maintenance to the person who has been granted custody. If this is not paid voluntarily, a court order may be issued to compel that spouse to pay. The child maintenance amount is set taking into account the means of the person paying it, his or her other responsibilities and the needs of the children. Collection may be secured through direct salary deductions, where the father has a salaried position, or through any other enforcement procedure, including the seizure and sale of property.

A divorced husband or wife may claim alimony for his or her own needs in the following circumstances:

– He or she is unable to provide for his or her own survival;

– The divorce was granted against the other spouse.

The alimony should not exceed one quarter of the income of the spouse paying it and is to be paid for no more than three years. Alimony ceases in the event of either remarriage, open cohabitation or when it is no longer needed.

Where there is community of property, the divorce decree terminates the community and orders the division of property between the former spouses. A notary is commissioned to handle the liquidation and procedural problems are settled by a judge assigned for that purpose. Once an accurate list of the property has been prepared, it is evenly divided between the spouses. As a rule, non-remunerated work performed by the wife is not taken into account in the evaluation of the property.

Legally, widowers and widows, referred to as surviving spouses, have the same rights and obligations, including rights of inheritance, pensions, death benefits, the legal administration of the property of minor children and the right to remarry. In reality, widows encounter difficulties in exercising such rights, as these matters are heavily influenced by custom. There have been cases where widows have been robbed of their property and forced out of their family home and have had their children taken away from them. Out of fear or out of ignorance they have not sought

recourse in courts to have their rights restored. However, associations and non-governmental organizations, which strengthen women more and more through advisory services and other forms of support, have been increasingly helping women to defend their rights.

In principle, widows and daughters can, in the same conditions as widowers and sons, inherit movable property and real estate, either through wills or through the normal order of devolution of property.

The custom of the levirate, under which a widow has to marry a relative of her late husband's, is still practised in Burkina Faso, especially in rural areas, despite its being prohibited by the Individual and Family Code and the Penal Code.

Recommendations

To address the difficulties of coordination, concerted action needs to be instituted among such stakeholders as non-governmental organizations, associations and development partners so that human, material and financial resources are not dissipated. Strategies will also have to be developed to involve grass-roots communities.

To address the lack of statistical information, the Government and its development partners will first have to work in concert, as a matter of priority, to finance the collection of data in the social sectors. They will also have to work on the processing of data already available in those sectors. In addition, a statistical database on the situation of women must be set up and sustained through the collection of gender-disaggregated data.

For grass-roots communities, information on women's rights has become a necessity requiring the institution of practical measures to decentralize the information system and to promote such awareness-raising campaigns as would do away with the harmful impact of traditional practices on women.

National laws on the rights of women should be reviewed and brought into greater conformity with the provisions of the Convention. That done, they should be compiled into a single compendium for purposes of easier reference and dissemination.

Conclusion

At the end of this appraisal, it would appear that, in general terms, some of the concerns raised by the Committee in the course of its previous appraisals are yet to be addressed. As noted, social and cultural inertia, combined with the lack of specific legislation and policies to protect women, remain factors that strongly impede the improvement of their living conditions. Furthermore, the situation cannot be fully evaluated owing to missing or insufficiently disaggregated data.

The main problems identified may be summarized as follows:

1. Persistent poverty is having an adverse impact on women and girl-child education, health and literacy, thereby eroding national human development indicators;

2. Lack of coordination of measures and inadequate implementation of the relevant legislation;

3. The inadequate data available is not sufficiently disaggregated; and

4. Not enough information, education and communication activities are being conducted to change the attitudes of people to women and girl-children.

What can be noted with satisfaction, however, is the policy commitment of Burkina Faso to translating the rights of women into action as borne out by the country's ratification of most international legal instruments and the adoption of several national plans and strategies in all the priority areas of women's rights. In terms of women's literacy and the education of the girl-child, commendable efforts are being made by way of affirmative action and the building of functional literacy centres and other facilities. While no quota system has been instituted to increase the participation of women in politics, there are associations lobbying and advocating for increasingly meaningful participation.

Alongside the State structure, civil society organizations are mobilizing increasingly for synergy in activities benefiting women. Mention should also be made of the manifest interest of such development partners as UNICEF, UNFPA and UNDP, which participate in the implementation of plans and programmes relating to women's rights within the context of various cooperation agreements with the host country.

To some degree, this general mobilization has helped to improve perceptions about the situation of women and to create awareness of their rights.

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Annex A1

Percentage of female secondary school teachers broken down by subject between 1993/94 and 2001/02

Subject	Public secondary education					
	1993/94	1994/95	1996/97	1997/98	1998/99	1999/2000
French	29.8	28.9	26.0	23.7	-	25.0
English	30.0	27.7	29.6	34.8	-	30.4
German	13.8	18.4	22.5	25.0	-	17.0
History and geography	21.8	22.9	21.2	25.0	-	23.2
French/English	10.8	11.8	13.6	15.2	-	14.9
French/History and geography	12.2	12.9	10.1	14.5	-	13.0
French/German	23.1	38.5	36.4	33.3	-	40.0
Other languages	25.0	0.0	0.0	0.0	-	0.0
Philosophy	9.6	14.8	8.1	4.7	-	3.7
Mathematics	11.5	11.0	11.8	10.1	-	10.3
Physics and chemistry	4.4	5.3	7.8	10.1	-	8.8
Natural sciences	22.7	18.4	20.2	22.5	-	19.0
Mathematics/physics and chemistry	3.2	5.1	3.6	4.4	-	5.3
Mathematics/natural sciences	10.6	13.7	12.4	13.0	-	11.0
Physics and chemistry/natural sciences	7.7	0.0	11.1	0.0	-	0.0
Home economics	100.0	100.0	100.0	100.0	-	93.8
Physical education	11.8	9.4	9.3	9.8	-	5.6
Total	**18.7**	**18.4**	**17.6**	**18.9**	-	**17.1**

Subject	Private secondary education					
	1993/94	1994/95	1996/97	1997/98	1998/99	1999/2000
French	26.8	26.9	22.7	25.9	23.6	20.9
English	21.3	23.3	17.6	18.6	18.8	24.9
German	31.3	36.4	32.1	30.0	27.0	12.8
History and geography	22.1	19.4	25.7	25.0	24.1	23.7
French/English	11.1	0.0	11.1	14.3	21.1	18.2
French/History and geography	37.5	17.4	20.0	15.0	7.7	7.4
French/German	0.0	0.0	0.0	0.0	0.0	0.0
Other languages	0.0	14.3	10.0	7.1	18.2	6.7
Philosophy	17.2	10.0	4.8	8.1	7.3	3.6
Mathematics	6.0	7.4	7.8	10.0	7.8	8.3
Physics and chemistry	5.3	1.4	2.8	1.9	4.8	4.2
Natural sciences	14.8	15.2	15.4	15.0	12.1	14.2
Mathematics/physics and chemistry	3.3	3.7	5.8	4.8	1.3	2.2

Subject	Private secondary education					
	1993/94	*1994/95*	*1996/97*	*1997/98*	*1998/99*	*1999/2000*
Mathematics and natural sciences	**0.0**	**10.0**	**15.6**	**13.6**	**11.6**	**3.3**
Physics and chemistry/natural sciences	**11.8**	**0.0**	**0.0**	**4.8**	**0.0**	**0.0**
Home economics	**100.0**	**100.0**	**66.7**	**87.5**	**100.0**	**100.0**
Physical education	**11.7**	**12.8**	**7.9**	**10.1**	**10.6**	**7.6**
Total	**16.9**	**16.1**	**15.5**	**16.7**	**15.3**	**15.3**

Subject	Secondary technical education					
	1993/94	*1994/95*	*1996/97*	*1997/98*	-	*1999/2000*
General studies	**26.8**	**24.1**	**28.2**	**22.3**	-	**24.4**
Business studies	**19.1**	**24.0**	**20.6**	**16.5**	-	**18.3**
Industrial studies	**15.5**	**23.0**	**15.1**	**19.7**	-	**13.8**
Total	**21.4**	**23.8**	**23.2**	**19.8**	-	**20.3**

Annex A2

Checklist for eligible civil servants filing for pension benefits

- Administrative decision on retirement;
- Birth certificate of the civil servant;
- Marriage certificate for each spouse and, if applicable, divorce or death certificate;
- Birth certificate for each child under the age of 20;
- Dependency certificate regarding children under the age of 20;
- School attendance certificate or certificate of non-attendance (for children who are not attending school);
- Application for the liquidation of pension entitlements and declaration of choice of residence (complete address and post office box or telephone number);
- Military service record (original or notarized photocopy);
- Receipt or certification of payment of retroactive deductions for various types of contract (temporary, contractual, decision-based or auxiliary);
- Statement on family status: the civil servant must make a full and honest declaration on the composition of his family in accordance with the pension scheme in force;
- One disability certificate per person in cases where the individual is known by more than one name;
- Decision on the granting of pension benefits to those entitled to a military or disability pension;
- Medical certificate issued by a doctor for children affected by a disability that prevents them from earning a living;
- Records of payments to the Treasury or the Civil Servants' Pension Fund by the institution for seconded personnel;
- Copy or copies of certificate of leave or leaves of absence and certificates of possible separation or reappointment;
- Copy of requisition order, if necessary;

Additional documents required:

- Certificate of termination of payment to the payments department (Ministry of Economy and Finance);
- General record of service:

✓ At the archives department of the Ministry of Civil Service and Institutional Development;

✓ At the Office of Administrative and Financial Affairs of the Ministry of Justice (for judges);

✓ At the personnel office of the National Police (for National Police officers).

Annex A3

Checklist of documents to be submitted by the beneficiaries of civil servants who died on active duty in order to claim death benefits, survivor's pension or reimbursement for pension contributions

- Application for death benefits subject to payment of 200 francs (revenue stamp) per widow;
- Application by the guardian for death benefits along with payment of 200 francs revenue stamp duty;
- Application for reimbursement by each widow and by each guardian subject to payment of 200 francs revenue stamp duty;
- Two death certificates of the civil servant;
- Birth certificate of the civil servant;
- Birth certificate of the widow;
- Two marriage certificates of the spouses established before the death of the civil servant;
- Two certificates attesting that the widow is not divorced and legally separated;
- Two certificates attesting that the widow has not remarried;
- One birth certificate for each minor;
- Certificate of school attendance or non-attendance for each child under the age of 20;
- Dependency certificate regarding minors;
- Two statutory declarations of custody or two parental authority orders (see the Ministry of Justice);
- Report of the family council used to establish the certificate of guardianship;
- Application for the liquidation of pension entitlements and declaration of choice of residence by each widow and guardian;
- Two individual identification documents per person in cases where the individual is known by more than one name;
- Birth certificate of the guardian;
- Two inheritance certificates;
- National Development Service (SND) certificate.

Nota bene: Submit a death certificate to the Ministry of Finance (payments department) for the establishment of a certificate of termination of payment;

- Submit a death certificate to the national archives department for the establishment of a general service record;
- Applications shall be addressed to the Director General of CARFO;
- Depending on the situation, the contents of the checklist may change.

For example, for the beneficiaries of a woman who worked, the checklist shall be as follows:

- Application for death benefits filed by the guardian together with a 200-franc revenue stamp;
- Two death certificates of the civil servant;
- Birth certificate of the civil servant;
- One birth certificate for each under-age child;
- Certificate of school attendance or non-attendance for each child under 20;
- Dependency certificate regarding minors;
- Two parental authority orders (see the Ministry of Justice);
- Report of the family council used to establish the certificate of guardianship;
- Application for the liquidation of pension entitlements and declaration of choice of residence by widow and guardian;
- Two identification documents per person in cases where the individual is known by more than one name;
- Birth certificate of the guardian;
- Two inheritance certificates.